

PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the Brown County Land Conservation Subcommittee was held on Monday, July 22, 2019 at the Duck Creek Center – Public Works Department, 2198 Glendale Avenue, Green Bay, WI.

Present: Chair Norb Dantinne, Supervisor Deslauriers, Supervisor Tran, Supervisor Erickson, Supervisor Kaster, Citizen Member Stan Kaczmarek

Also Present: County Conservationist Mike Mushinski, Asst County Conservationist Jon Bechle, Agronomist Technician Nick Peltier, Engineering Technician Chris Flicek and other interested parties

I. Call Meeting to Order.

The meeting was called to order by Chair Dantinne at 6:00 p.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Deslauriers, seconded by Stan Kaczmarek to approve. Vote Taken. MOTION CARRIED UNANIMOUSLY.

III. Approve/Modify Minutes of June 24, 2019.

Motion made by Supervisor Erickson, seconded by Stan Kaczmarek to approve. Vote Taken. MOTION CARRIED UNANIMOUSLY.

Comments from the Public

Land Conservation Department

1. Director's Report.

- a. Discussion and possible action regarding proposed changes to Chapter 26 of the Brown County Code of Ordinances entitled Animal Waste Management.**

County Conservationist Mike Mushinski informed this had been talked about for a while; proposed Chapter 26 Animal Waste Management revisions were provided in the agenda packet and Mushinski briefly highlighted nine of the bigger changes made.

With regard to 26.09 (2)(d) Animal waste storage facility inspections are required for operations with 500 animal units or greater on site. An inspection report will be generated to document and confirm the operation is in compliance with state, federal, and local standards and prohibitions, Mushinski informed they did this in their rates and fee schedule and it was now incorporated into the ordinance.

Kaczmarek questioned the fee. Engineering Technician Chris Flicek responded that it was a \$500 annual fee for operations over 500 animal units. They do both CAFOs and under 500; they all got the same inspections. Agronomist Technician Nick Peltier added manure spreading permits were meant for farms that didn't have manure storage; he reiterated that they had a lot of instances where harvest was pushed back and liquid manure needed to go out after December 1st or it was a convenience issue, rather than put the manure in storage they haul it to the field right away. They put this in place to prohibit that unless it was an emergency circumstance. There were about 80-90 winter spreading permits issued every year. Mushinski noted they could have solved a couple big issues in the last couple years by having this in the ordinance. They will not issue CAFO winter spreading permits anymore, which was done in the past. A CAFO specialist had to approve

of those so the county won't be doing any of those, it's the responsibility of the DNR. The ones that had a design storage, winter spreading permits will only be given out for emergency. They will work with them to find alternative spots to take manure; to pits, structures, instead of applying in the winter time.

Kaczmarek questioned how many over 500 animal units had winter spreading permits. Peltier informed this will cut down on them because they almost all had storage. Flicek stated there was probably a handful that still got winter spreading. Kaczmarek stated more of the runoff problems come from liquid manure. Mushinski stated that was exactly what happened, liquid manure applied late in the year/winter was a disaster and that's what they were trying to get away from as much as possible.

Tran questioned how many farmers were in Brown County with 500 animals or more. She questioned the types of storage facilities, any safety concerns and noted she read an article talking about CAFOs and storage facilities having issues with storms come through. Flicek informed there were currently 38 farms. Storage facilities were mainly the pit lagoon storages but there were bigger concrete tanks. Usually farms over 500 animal units had a bigger long-term storage facility. The main safety issue was someone falling into them but they should all have fences around them. If a tornado came through, Mushinski informed they were below ground and the barn would be destroyed before the manure storage would be compromised. The only time they had issues was if they overtopped. Flicek stated it was something they looked at during inspection, the stability of the waste storage facilities and how they were managed. If they got a substantial amount of rain where the grounds were already saturated and they had a manure storage facility that was built a long time ago, when they didn't have ordinances or standards, there could be some seepage.

Deslauriers stated most of the changes were fantastic but as a person who lived in a karst area, the only paragraph he'd like to see not there was the second paragraph in 26.02. He moved out to the country to farm and understood the background of the paragraph but felt their regulation should stand on its own. He felt the Right to Farm clearly spelt out the farmer's right to do all those things and in a regulation like this, he didn't see the purpose for it.

Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to strike everything but the last sentence starting with "Brown County" ending in "operations" of the second paragraph under 26.02. Vote taken. Ayes: Deslauriers, Tran; Nays: Kaczmarek, Kaster, Erickson, Dantine. Motion failed 4 to 2.

Tran informed that when she read the paragraph, she questioned the purpose of the paragraph. Mushinski informed it was developed when the ordinance was originally developed 20 years ago. Deslauriers questioned why it was a necessary part of regulation as it was purely an opinion or bias, the regulation should stand on its own as the rules, for a better or worse, they needed to be followed in compliance with the rules. This had nothing to do with actual regulation and set an expectation to rule residence that they just put up with it which was not really, he didn't think, what the regulation said. The additions to the regulation were actually more resident friendly than farmer friendly. Mushinski stated they looked at it as part of the historic part of the ordinance and didn't see a change. Kaczmarek informed that Wisconsin's Right to Farm Law covered just about everything in this paragraph. Dantine stated they were reiterating the information for people who wanted to read the ordinance. He felt people didn't understand when they bought a house or lot in Humboldt that plowing land at 11pm was ok, they were doing their job. This was being upfront and told them what they might be exposed to out in the country. Deslauriers felt for an Animal Waste Management Ordinance, it didn't apply to this particular ordinance.

With regard to 26.11(2), Deslauriers questioned why the animal feedlot setback requirements were scratched out. Bechle informed there was a separation distance for manure storage facilities. That's what the last revision did back in 2017. At that time this one was discussed as well, there was an issue with manure storage facilities, and that section was removed. As they got this greater revision they're currently proposing to eliminate the feedlot setback as well because the state now had setbacks and it also led up to townships, the authority had switched to them.

Motion made by Supervisor Erickson, seconded by Stan Kaczmarek to have Corporation Counsel draft an ordinance with the proposed changes and bring it back for final approval. Vote taken. MOTION CARRIED UNANIMOUSLY

Tran questioned if there was a requirement for an onsite digester for farms bigger than 500 animals. Mushinski stated if they put one in there would be a manure storage ordinance for the design to hold manure. If there were any kind of manure holding structure, they had to get an ordinance permit through the department, feedlot or manure storage. The county did not have an ordinance requirement to have a digester.

Other

2. Such Other Matters as Authorized by Law. None.

Kaczmarek informed there were still a few tickets left for Fox Demo Farms Sunset on the Farm; approximately 450 have signed up.

3. Adjourn.

Motion made by Supervisor Erickson, seconded by Supervisor Tran to adjourn at 6:26 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Alicia A. Loehlein
Administrative Coordinator